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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/539,170
Filing Date: December 30, 2005
Appellant(s): SYRBE, HANNO

Phouphanomketh Ditthavong
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 15 February 2011 appealing from the Office action mailed 15 November 2010.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after Final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Veerasamy U.S. Pub. No. 2004/0203855 A1

May 7, 2002

Ramaswamy U.S. Pat. No. 5,627,547

April 7, 1995

Divakaruni	U.S. Pat. No. 5,923,286	Oct. 23, 1996
Davies	U.S. Pat. No. 6,144,338	Mar. 17, 1998
Cherry	U.S. Pat. No. 7,082,409	Nov. 22, 2000
Cook	U.S. Pat. No. 6,983,155	Aug. 20, 2002
Rodgers	U.S. Pat. No. 6,493,650	Jan. 27, 2000
Jacobs	U.S. Pat. No. 7,168,525	Nov. 10, 2000
Wunsch	U.S. Pat. No. 6,606,381	Aug. 11, 1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 7-8, 13-15, 19, 21, 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veerasamy et al (US 2004/0203855) in view of Ramaswamy et al (US 5,627,547).

Referring to claim 1, Veerasamy discloses a method (Figures 1-4, abstract and Par. 7) comprising creating a collection of selected geographical positions using a mobile terminal having a geographical position system (Par. 7 and 9 and 34-35, particularly par. 35, lines 4-5, “over time, RF coverage server 195 builds up a database of service drop/calls drop positions”) and a memory for containing a selected geographical position (Par. 7, 9, 34 and 35, “GPS”, note that the mobile station determines its location and then the mobile station relays the position information when service is restored. Thus, the mobile station must store the location information in order to be able to relay it later),

automatically obtaining or determining the current geographical position of the mobile terminal using information received from the geographical position system (Par. 34, “determine its position”);

and determining to store the current geographical position in the memory upon detection to store the current geographical position (Par. 34 and 35, note that the mobile station determines its location and then the mobile station relays the position information when service is restored. Thus, the mobile station must determine to store the location information in order to be able to relay it later), wherein the mobile terminal has a plurality of operating modes including one recording mode (Par. 34 and 35, note that the mobile stations have at least location determination mode through the GPS and the recording mode as the locations of coverage loss are stored in order to be reported later after service is reestablished).

Veerasamy does not specifically disclose the memory contains the collection of selected geographical positions,

the storing is upon detection of an input, and the recording mode of the mobile terminal is based on a single key activation, in the format claimed.

Ramawamy discloses the memory of a mobile device containing the collection of selected geographical positions (Figures 1 and 10, abstract, lines 2-5, and col. 12, lines 30-35 "save locations"), the storing is upon detection of an input and the recording mode of the mobile terminal is based on a single key activation storing the current geographical position in the memory upon detection of a input to store the current geographical position (figure 10, col. 11, lines 19-28 and col. 12, lines 1-34, "where I am," note that pressing the "where I am" is equivalent to the single key activation).

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the invention of Veerasamy in the format claimed, for the purpose of eliminating recalculation of the same locations, enabling the user to have the option of selecting a location, and also providing convenience for the user.

Referring to claim 2, the combination of Veerasamy/Ramaswamy discloses the method of claim 2, and further discloses adding an attribute to the stored geographical position (Veerasamy, Par. 12-14 and 34-36, "time").

Referring to claim 3, the combination of Veerasamy/Ramaswamy discloses a method according to claim 1, and further discloses the mobile terminal comprises at least one key and a single key activation of the at least one key is used to store a present geographical position in the memory (Ramaswamy, figures 1 and 10 and col. 11, lines 19-28 and col.12, lines 1-35).

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the invention of Veerasamy in the format claimed, for the purpose of providing convenience for the users.

Referring to claim 7, the combination of Veerasamy/Ramaswamy discloses a method according to claim 1, and further disclose the mobile terminal is configured to communicate data to other terminals, comprising sending geographical positions stored in the memory to other terminals and/or receiving geographical positions from other terminals (Veerasamy, Par. 35 and Figures 103, “server 195”).

Referring to claim 8, the combination of Veerasamy/Ramaswamy discloses a method according to claim 7, and further disclose the mobile terminal has an RF or IR receiver/transmitter, further comprising the step of sending and/or receiving geographical positions via an RF or IR based communication channel (Veerasamy, figures 1-3, Par. 34-36, “RF transceiver”).

Referring to claim 13, the combination of Veerasamy/Ramaswamy discloses a method according to claim 1, and further disclose the attribute comprises a time and date stamp and/or a sound file, and/or an image file, and or a motion video file, and/or a text file (Veerasamy, Par. 12-14 and 34-35, 49-51 “time”, “map”, note that a map is represented by an image file).

Referring to claim 23, claim 23 recites features analogous to the features of claim 1. Thus, it is rejected for the same reason as set forth above in the rejection of claim 1.

Referring to claim 14, Veerasamy discloses a mobile terminal (Figures 4-5, abstract and Par. 7) comprising: at least one processor configured to obtain or determine a current

geographical position from information automatically received from a geographical position system in the mobile terminal (Figure 2 and Par. 34-36 and 41-42, “processor 240”),

a memory configured to store selected geographical position (Par. 34 and 36 and see rejection of claim 1 above), a user interface (Figure 2, “keypad 250”, “display 255”), and a processor configured to determine to store the current geographical position in the memory (Figure 2, “main processor”).

Veerasamy does not specifically disclose the geographical position being multiple positions, the storing being based upon a detection of a store input, and the detection is by the detection of single depression of a key, in the format claimed.

Ramaswamy discloses the geographical position being multiple positions (Col. 12, lines 21-35, “allows a user to save locations once visited”) and the storing being based upon a detection of a store input (figures 1 and 10 and Col. 11, lines 19-26 and Col. 12, lines 14-35, “where I am”), and the detection is by the detection of single depression of a key (Fig. 1 and 10 and Col. 11, line 19 – Col. 12, line 34)

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the invention of Veerasamy in the format claimed, for the purpose of eliminating recalculation of the same locations and also providing convenience for the user.

Referring to claim 15, the combination of Veerasamy/Ramaswamy discloses the mobile terminal of claim 14, and further discloses that the process is configured to add an attribute to the stored geographical position (Veerasamy, Par. 12-14 and 34-36, “time”).

Referring to claim 19, the combination of Veerasamy/Ramaswamy discloses the mobile terminal according to claim 14, and further disclose the mobile terminal has an RF or IR receiver/transmitter, further comprising the step of sending and/or receiving geographical positions via an RF or IR based communication channel (Veerasamy, figures 1-3, Par. 34-36, "RF transceiver").

Referring to claim 21, the combination of Veerasamy/Ramaswamy discloses a mobile terminal according to claim 14, and inherently discloses the processor for storing a current geographical position in the memory upon a user input executes instructions of a software application on the mobile terminal (Veerasamy, Figures 2, 4, and 5, and Par. 34-36, and 41-43, and Ramaswamy, figures 1 and 10 and col. 12, lines 1-34, note that a software application has to be used to process the storing functions).

Referring to claim 27, the combination of Veerasamy/Ramaswamy discloses the mobile terminal of claim 14 and further discloses the mobile terminal is a hand portable phone (Veerasamy, Par. 37, "PDA").

3. Claims 5-6, 9-12, 17, 18, 20, 22 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veerasamy et al (US 2004/0203855) in view of Ramaswamy et al (US 5,627,547) and further in view of well known prior art (MPEP 2144.03).

Referring to claim 5, the combination of Veerasamy/Ramaswamy discloses a method according to claim 1 and further disclose at least one processor to perform mathematical operations on the collection of geographical positions (abstract, Fig. 4, par. 2, lines 55-60,

"processor", note determining the geographical position via GPS inherently includes mathematical operations).

The above combination is silent on performing statistical and/or probability analysis on the collection of geographical positions.

However, the examiner takes official notice of the fact that using a statistical model for determining location of a mobile device is well known in the art.

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the above combination in the format claimed, for the purpose of providing an efficient communication system.

Referring to claim 6, the combination of Veerasamy/Ramaswamy and well-known art disclose a method according to claim 5.

The combination of Veerasamy/Ramaswamy is silent on the analysis comprises analysis of area related density of geographical positions, selectively within geographical positions with a given attribute or with attributes within a given group.

However, the examiner takes official notice of the fact that analysis of area related density of geographical positions, selectively within geographical positions with a given attribute or with attributes within a given group is well known in the art.

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the above combination in the format claimed, for the purpose of providing an efficient communication system.

Referring to claim 9, the combination of Veerasamy/Ramaswamy discloses a method according to claim 8, and further disclose the mobile terminal is a mobile phone or a communicator for use in a wireless cellular communication network (Veerasamy, figures 1-4).

The above combination is silent on the step of sending a text message including at least one geographical position from the memory, preferably including any associated attribute of the geographical position concerned, to one or more remote terminals.

The examiner takes official notice of the fact that sending a text message including at least one geographical position from the memory, preferably including any associated attribute of the geographical position concerned, to one or more remote terminals is well known in the art.

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the above combination in the format claimed, for the purpose of providing an efficient communication system.

Referring to claim 10, the combination of Veerasamy/Ramaswamy and well-known art discloses a method according to claim 9, wherein said one or more remote terminals are mobile phones or communicators, and one of the mobile phones or communicators functions as a server with a database of geographical positions (Veerasamy, figures 1-4).

Referring to claim 11, the combination of Veerasamy/Ramaswamy and well-known art discloses a method according to claim 10, and further disclose a server having a database containing geographical positions received from remote terminals is connected to the cellular network (Veerasamy, figures 1-4).

Referring to claim 12, the combination of Veerasamy/Ramaswamy and well-known art discloses a method according to claim 5, and further disclose generating a map for illustrating the result of the statistical and/or probability analysis, by generating and displaying a map of an area with a given density or density range of geographical positions with a given attribute or with attributes within a given group (Veerasamy, Par. 35, “map of the coverage area”).

Referring to claim 24, combination of Veerasamy/Ramaswamy discloses method of claim 1 and further disclose, after the current geographical position is stored, automatically assigning at least one position attribute to the stored geographical location upon detection of single key depression of a key associated with the prompt (Veerasamy, Par. 12-14 and 34-36, “time”, Ramaswamy, figure 10, and col. 12, lines 1-34, lines 30-35, “saved locations”, “where I am”).

The above combination is silent on automatically providing a prompt to assign a name and category to the stored geographical location as claimed.

The examiner takes official notice of the fact that automatically providing a prompt to assign a name and category to the stored element, e.g., geographical location, is well known in the art.

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the above combination in the format claimed, for the purpose of providing an efficient communication system.

Referring to claim 25, the combination of Veerasamy/Ramaswamy and well-known art discloses the method of claim 24 and further disclose the at least one position attribute comprises at least one of a source of geographical position data, coordinates, date, time or phone number (Veerasamy, figure 2 and par. 36, and Ramaswamy, col. 7, lines 48-67, GPS, note that GPS inherently includes coordinate position information).

Referring to claim 26, the combination of Veerasamy/Ramaswamy and well-known art discloses the method of claim 24.

The above combination is silent on providing a prompt for entry of a name for the stored geographical location and a category or subcategory of the stored geographical location, as claimed.

The examiner takes official notice of the fact that providing a prompt for entry of a name for the stored geographical location and a category or subcategory of the stored geographical location, is well known in the art.

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the above combination in the format claimed, for the purpose of providing an efficient communication system.

Referring to claim 17, the combination of Veerasamy/Ramaswamy discloses a method according to claim 15 and further disclose at least one processor to perform mathematical operations on the collection of geographical positions (abstract, Fig. 4, par. 2, lines 55-60, "processor", note determining the geographical position via GPS inherently includes mathematical operations).

The above combination is silent on performing statistical and/or probability analysis on the collection of geographical positions.

However, the examiner takes official notice of the fact that using a statistical model for determining location of a mobile device is well known in the art.

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the above combination in the format claimed, for the purpose of providing an efficient communication system.

Referring to claim 18, the combination of Veerasamy/Ramaswamy and Well-known discloses a mobile terminal according to claim 17, and further discloses comprising a display and wherein the at least one processor is further configured to generate and display a map with selected stored geographical positions from the memory on the display (Veerasamy, figure 2 and par. 43 and Ramaswamy, Figures 4-6).

Referring to claim 20, the combination of Veerasamy/Ramaswamy discloses a method according to claim 14, and further disclose the mobile terminal is a mobile phone or a communicator for use in a wireless cellular communication network (Veerasamy, figures 1-4).

The above combination is silent on the step of a processor configured for sending and receiving a text message including at least one geographical position from the memory, preferably including any associated attribute of the geographical position concerned, to one or more remote terminals.

The examiner takes official notice of the fact that sending a text message including at least one geographical position from the memory, preferably including any associated attribute of the geographical position concerned, to one or more remote terminals is well known in the art.

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the above combination in the format claimed, for the purpose of providing an efficient communication system.

Referring to claim 22, the combination of Veerasamy/Ramaswamy and well-known art discloses a method according to claim 17, and further disclose a process further configured to generate and display maps illustrating the result of the statistical and/or probability analysis (Veerasamy, Par. 35, “map of the coverage area”).

(10) Response to Arguments

4. A. Arguments with respect to Rejection of Claims 1-3, 7, 8, 13-15, 19, 21, 23 and 27 under 35 USC 103(a) over Veerasamy et al (US 2004/0203855) in view of Ramaswamy et al (US 5,627547).

With regards to independent claims 1, 14 and 23, applicant argues that, the cited prior art does not disclose "wherein said mobile terminal has a plurality of operating modes including one recording mode in which a single key activation on the mobile terminal causes the current geographical position to be stored." The applicant further argues that Ramaswamy fails to cure the deficiency of Veerasamy because Ramaswamy also fails to disclose or suggest the use of a single key activation or depression for storing the current geographical position of a mobile terminal."

The examiner respectfully disagrees with applicant's above arguments.

As a preliminary matter the examiner asserts that the primary reference (Veerasamy) teaches the storing of the current geographical position of a mobile terminal, which the applicant has not challenged. See Veerasamy Par. 35. However, the storing of the current geographical position does not take place with by **pressing of a single key activation** in Veerasamy.

Ramaswamy discloses the additional limitation," a single key activation on the mobile terminal causes the current geographical position to be stored." See Ramaswamy, Figures 1 and 10 and Col. 11, lines 31-34 and Col. 12, lines 27-30, particularly the recitation "a user may rotate the menu choices rotary pushbutton switch 16," and "With the current destination name category 146, the currently selected destination from the memory card 120 may be saved." Further, the applicant is referred to Col. 12, lines 14-17, "depressing switch 16." The examiner asserts that based on a broad interpretation of the claimed limitation in view of the specification, a person of ordinary skill in the art would be able to conclude that Ramaswamy teaches storing a geographical position by depressing a **single key activation** because only a single key is activated in the storing process after all.

The applicant further argues that:

“In Ramaswamy et al., a user may select between a recall destination category 140, wherein previously stored geographical locations are recalled, or a save destination category 142, wherein a current geographical location is saved in a mobile terminal. ‘To select either of recall or save categories 140 or 142, a user may toggle between the two categories 140 and 142 by rotating the menu choices rotary pushbutton switch 16 and depressing switch 16 to select the displayed category’ (col. 12, lines 14-17). ‘In the save category 142, a user may select between a current destination name category 144 and a current where I am position category 146 by rotating menu choices rotary pushbutton 16 to the desired category and depressing menu choices switch 16 to make the selection’ (col. 12, lines 22-27). Thus, while Ramaswamy et al. employs a single pushbutton switch 16 when saving a current geographical location, that switch must first be rotated (i.e., a first activation) in order to select either the recall or save category. Then, the pushbutton switch 16 must be depressed to select the displayed category, e.g., save category, when it appears on a menu. Subsequently, the user must then choose again, by rotating the pushbutton switch 16, in the save category as to whether the user desires the current destination name category or the current ‘where I am’ position category. After choosing the ‘where I am’ position category, via rotation of the menu choices, the user must then depress the pushbutton switch 16 to finally make the selection of the ‘where I am’ position category 146, at which point the current position of the user is saved in the programmable memory (col. 12, lines 30-34).”

The examiner respectfully disagrees with the above arguments as well for the following reasons:

Based on the broadest reasonable interpretation of the claims, the applicant's claimed "single key activation" is broadly interpreted as Ramaswamy's "where I AM" is selected by the depressing of the switch 16, simply because the switch is still a single key and the operation involves a single key activation. Therefore, *Ramaswamy's* single pushbutton of switch 16, when saving a current geographical location, employing of a switch rotation, depression of a key, and choosing again to save, is still a single key activation. The examiner asserts that an artisan, based on the broadest interpretation of the claims, would be able to conclude that in order to store the location in Ramaswamy, a single key activation is still employed.

The applicant further argues that:

*"Accordingly, in order to save a current geographical position in the system of Ramaswamy, there are many more activations or depressions of the single key 16 required, than **the key activation** recited in the instant claims. Appellant stresses that the instant claims recite, not merely a single key, but a **single activation or single depression** of that key. This feature is nowhere taught or even suggested in either Veerasamy or Ramaswamy, or the combination thereof."*

The examiner respectfully disagrees with the above assessment by the applicant. The examiner asserts that an ordinary person of skill in the art would recognize that although the

switch 16 offers other options for a user to decide upon, once the user decides upon the storing of the current geographical position the storing still implies a single key activation.

The applicant further argues that:

*At page 14 of the final Office Action, the Examiner asserted that Veerasamy discloses a mobile phone storing its current locations in order to send the current locations to a network, but that such storage occurs automatically, and not by selecting or pressing a button (single key). Thus, the Examiner acknowledges that Veerasamy lacks the claim feature of "wherein said mobile terminal has a plurality of operating modes including one **recording mode in which a single key activation on the mobile terminal causes the current geographical position to be stored.** At the same page 14 of the final Office Action, the Examiner asserted that 'Ramaswamy is used in the rejection to show that storing of location can be performed by pressing a single key.' Referring to col. 12, lines 14-17 and 27-30. Appellant does not necessarily dispute that Ramaswamy employs a single key (switch 16) to store locations. However, the claims on appeal do not merely require a single switch. Rather, they require a **single key activation or depression.** As previously argued, the single switch 16 of Ramaswamy requires a plurality of activations in order to save a location because the switch must first be rotated (i.e., a first activation) in order to select a save category. Then, the switch 16 must be activated again to select a displayed category. Subsequently, the user must then activate the switch 16 yet again, while in the save category, in order to choose the current destination name category or the current "where I am" position category. Still again, if the "where I am" position*

category is selected, the user must then again activate the pushbutton switch 16 to finally make the selection of the 'where I am' position category 146, at which point the current position of the user is saved in the programmable memory (col. 12, lines 30-34). This is much different from the claimed invention wherein a "single key activation" permits saving of a current geographical position in a storage location."

The examiner respectfully disagrees with the above arguments and asserts that a person of ordinary skill in the art would still recognize that although the switch 16 offers other options for a user to decide upon, once the user decides upon the storing of the current geographical position the storing still implies a single key activation. Further, based on a broad interpretation of the claim, a person of ordinary skill in the art would recognize that a "single key activation" implies that a "single key" is activated in order to store information. Thus, the activating of the single key (Fig. 1, switch 16) to store information is equivalent to the claimed "single key activation."

B. Arguments with respect to Rejection of CLAIMS 5, 6, 9 THROUGH 12, 17, 18, 20, 22, AND 24-26 Over VEERASAMY IN VIEW OF RAMASWAMY AND WELL KNOWN PRIOR ART.

As a preliminary matter the examiner asserts that since applicant had not traversed the examiner's assertion of official notice in the rejection of claims 5, 6, 9 through 12, 17, 18, 20, 22, and 24-26 in any of the previous office actions prior to the appeal brief filed on 02/15/2011, the common knowledge or well-known in the art statement as applied in the rejection of claims 5, 6,

9 through 12, 17, 18, 20, 22, and 24-26 has been taken to be admitted prior art. See MPEP 2144.03.

However, due to applicant's *untimely* challenge of the official notice, the examiner has provided new references and arguments only for providing evidence that the contents of claims 5, 6, 9-12, 17, 18, 20, 22, and 24-26 are well known prior art and they **are not new grounds** of rejection.

Further, since the applicant has contested only the rejection of claims 5, 6, 9 and 24, the examiner has addressed only the rejection of these contested claims below:

With respect to claim 5, references Divakaruni (US 5,923,286) and Davies (US 6,144,338) teach the well-known concepts of performing mathematical and statistical and/or probability analysis on the collection of geographical positions (see Divakaruni, title, abstract and Column 8, lines 2-67, and Davies, Col. 10, lines 7-37, Col. 15, lines 61-64 and claims 17 and 19).

With reference to claim 6, reference Cherry (US 7,082,409) teaches the claimed concept of analysis of area related density of geographical positions (See Col. 5, line 58-67).

With reference to claim 9, reference Cook (US 6,983,155 B1) teaches the claimed well known concept of sending location information and/or directions in a text message (See Fig. 6, step 608, Col. 10, lines 38-64). Further with respect to claim 9, applicant argues that applicant does not necessarily dispute that it is well known in the art to send text messages by mobile phone, but appellant does dispute the examiner's determination that it was known in the art to

send and receive text messages, wherein sending a text message includes 'at least one geographical position from *the memory*, including any associated attribute.

The examiner respectfully disagrees and asserts that the location information being sent by text has to be stored at least in the RAM of the mobile device first, e.g., for a few seconds, before being sent. Further, in Cook, the directions are equivalent to the claimed attributes. The applicant has not claimed a specific type of memory to distinguish it from RAM.

With respect to claim 24, the well known concepts of automatically providing a prompt to assign a name and category to an element, e.g., geographical location and the concept of assigning an attribute, e.g., position attribute is taught in references Rodgers (US 6,493,650) column 9 line 63 through column 10, line 7, and also in reference Jacobs (US 7,168,525) column 7 lines 24-33, and in reference Wunsch, column 2' lines 46-55.

Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interference section of this examiner's answers.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Fred A. Casca

/Fred A. Casca/

Conferees:

/Patrick N. Edouard/

Supervisory Patent Examiner, Art Unit 2617

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